

Document No. 3598
Voted at meeting of 3/9/78

BOARD OF APPEAL REFERRALS

March 9, 1978

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Boston
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MEMORANDUM

March 9, 1978

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert F. Walsh, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing: 3/28/78

Z-4067
Demeure Corp.
845 Albany Street, Boston
at Randall Street

Two-story masonry structure

District(s):	apartment_____	general business_____	industrial_____
	residential_____	local business_____	waterfront_____
	single family_____		manufacturing M-2_____

Purpose: to change occupancy from contractor's storage to public school.

Violation(s):

Section

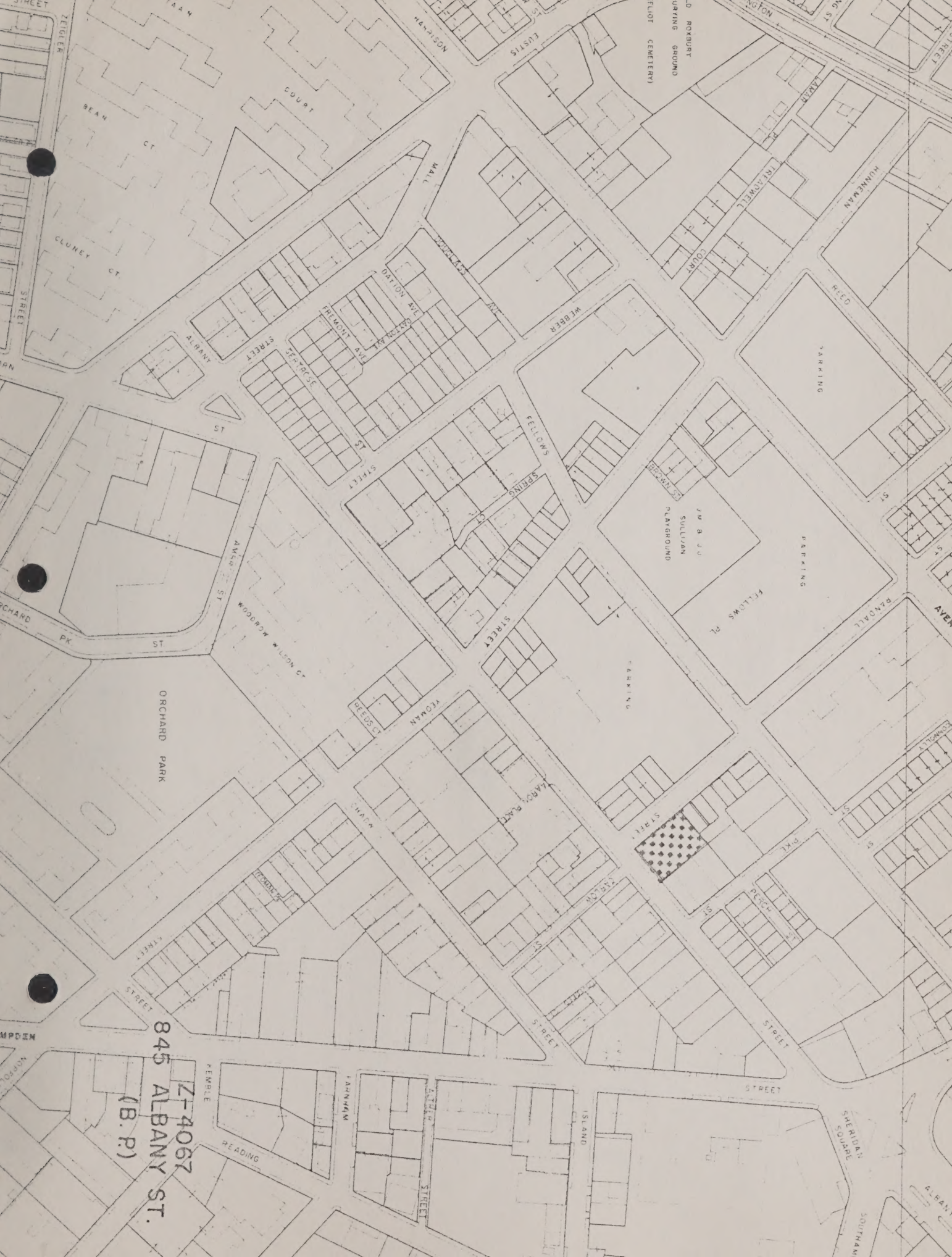
Required

Proposed

8-7. A school is conditional in an M-2 district.

Structure would be leased by School Committee for use as automotive mechanical school. Recommend approval.

VOTED: In reference to Petition No. Z-4067, brought by Demeure Corp. 845 Albany Street, in the South End Urban Renewal Area, for a conditional use for a change of occupancy from contractor's storage to a public school in a manufacturing (M-2) district, the Boston Redevelopment Authority recommends approval. Site is appropriate; use would be beneficial and have no adverse impact.



2-4067
845 ALBANY ST.
(B.P.)

Board of Appeal Referrals 3/9/78

Hearing: 3/7/78

Z-4085
Cities Service Oil Company
222 Brighton Avenue, Allston
at Higgins Street

Gas service station

District(s): apartment _____ general business _____ industrial _____
residential _____ local business L-1 waterfront _____
single family _____ manufacturing _____

Purpose: to erect one-story retail store; to erect one-story kiosk and pump island for gas service station.

Violation(s):

Section

Required

Proposed

8-7.	A gas service station is conditional in an L-1 district.		
18-1.	Front yard is insufficient.	10 ft.	4 ft.
19-6.	Side yard is insufficient.	10 ft.	5 ft.

It is proposed to demolish existing facility and erect "Quik Mart" grocery store and gas pump island with attendants' kiosk. Proposal is supported by community. Recommend approval.

VOTED: In reference to Petition No. Z-4085, brought by Cities Service Oil Company, 222 Brighton Avenue, Allston, for a conditional use and two variances to erect a one-story retail store and a one-story kiosk and pump island for gas service station in a local business (L-1) district, the Boston Redevelopment Authority recommends approval provided plans, including landscaping, pedestrian circulation, and curb cuts, are submitted to the Authority for design review.



Z-4085
222 BRIGHTON AVE
(ALLSTON)

Board of Appeal Referrals 3/9/78

Hearing: 3/7/78

Z-4087-4089
Antonio Addonizio
151-155 Bigelow Street, Brighton
near Dunboy Street

30,546 square feet of vacant land

District(s): apartment _____ general business _____ industrial _____
residential _____ local business _____ waterfront _____
single family S-.5 manufacturing _____

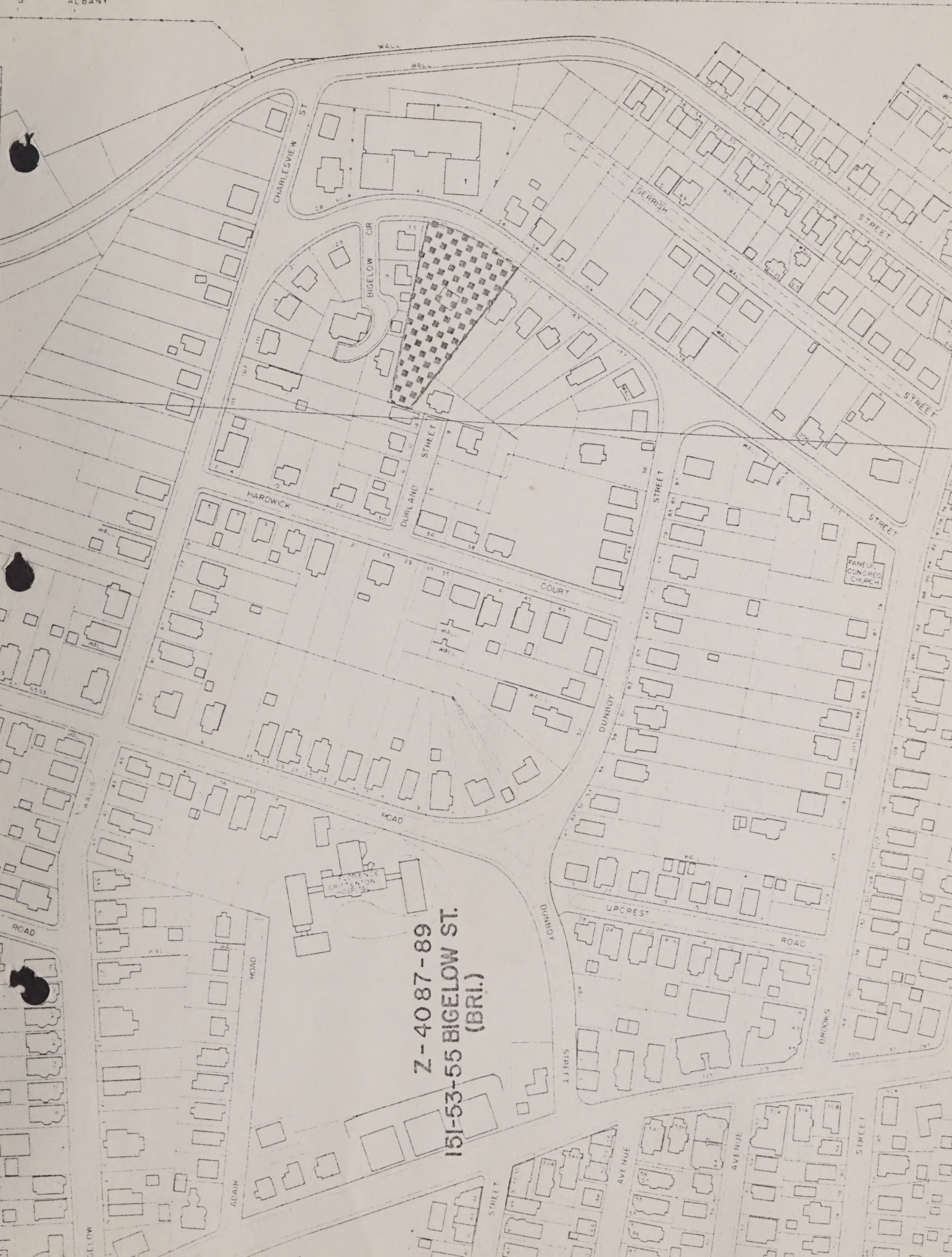
Purpose: to erect three two-family dwellings.

Violation(s):
Section

	<u>Required</u>	<u>Proposed</u>
8-7. Two-family dwellings are forbidden in an S-.5 district.		
14-2. Lot area is insufficient.	30,000 sf	28,145 sf
14-3. Lot width is insufficient.	60 ft.	48 ft.
14-4. Unobstructed access is insufficient.	20 ft.	15 ft.

Proposed density is inappropriate for site and would aggravate acute traffic problems on this narrow street. Abutters and surrounding neighbors are strongly opposed. Recommend denial.

VOTED: In reference to Petitions Nos. Z-4087-4089, brought by Antonio Addonizio, 151-155 Bigelow Street, Brighton, for three forbidden uses and three variances to erect three two-family dwellings in a single-family (S-.5) district, the Boston Redevelopment Authority recommends denial. Proposed density is inappropriate for site and would aggravate acute traffic problems on this narrow street. Abutters and surrounding neighbors are strongly opposed.



Z-4087-89
151-53-55 BIGELOW ST.
(BRI.)

Board of Appeal Referrals 3/9/78

Hearing: 3/14/78

Z-4090
Franco-American Oblate Fathers, Inc.
62 Kirkwood Road, Brighton
at Radnor Road

2½-story masonry structure

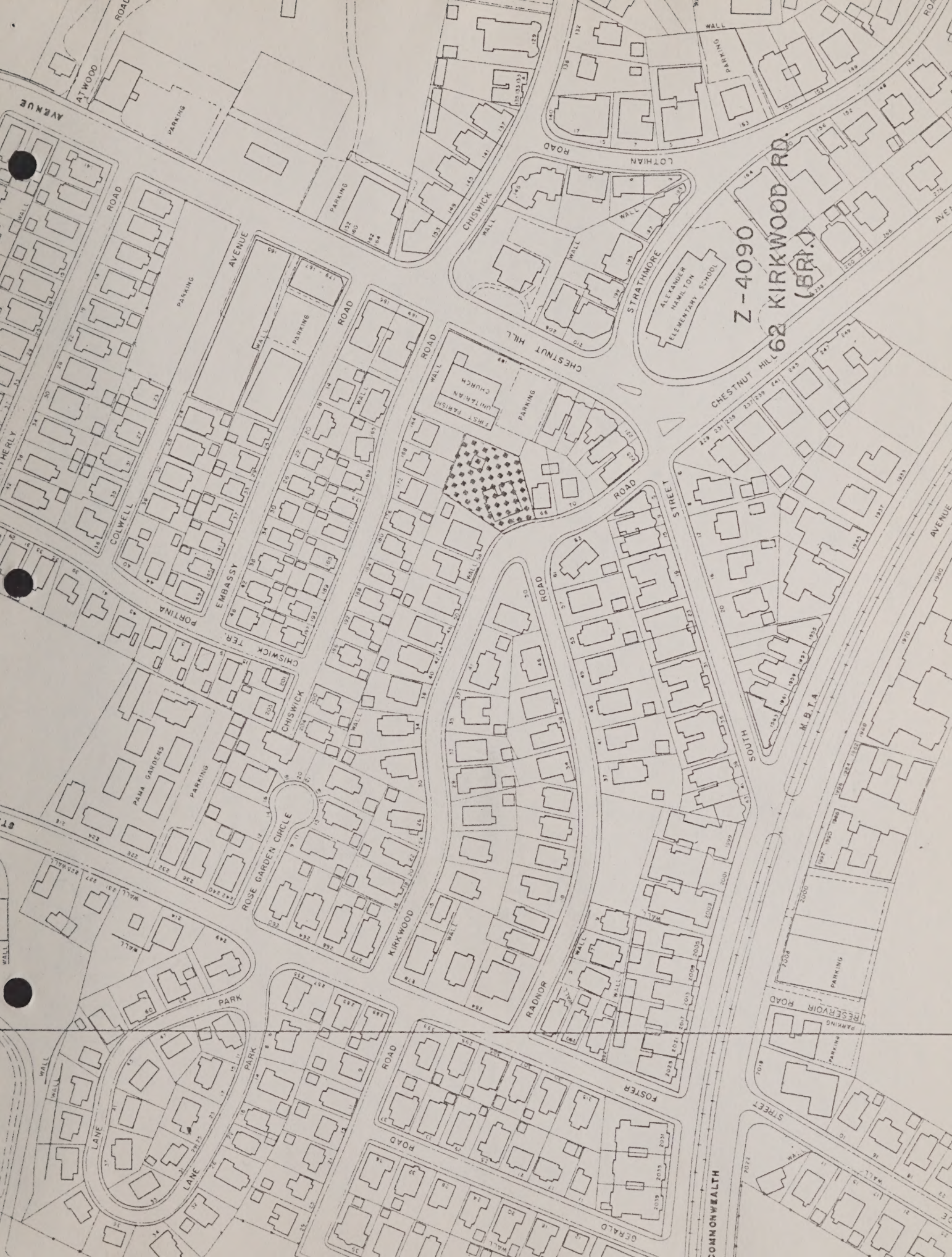
District(s):	apartment_____	general business_____	industrial_____
	residential <u>R-.5</u>	local business_____	waterfront_____
	single family_____		manufacturing_____

Purpose: to change occupancy from two-family dwelling to residence for religious order.

Violation(s):			
<u>Section</u>		<u>Required</u>	<u>Proposed</u>
14-2. Lot area is insufficient.		20,000 sf	14,519 sf

The dwelling for religious order should not have any adverse impact on neighborhood residential character. Neighbors have no objection.
Recommend approval.

VOTED: In reference to Petition No. Z-4090, brought by Franco-American Oblate Fathers, Inc., 62 Kirkwood Road, Brighton, for a variance for a change of occupancy from two-family dwelling to residence for religious order in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. Proposed use should not have any adverse impact on neighborhood residential character. Neighbors have no objection.



Board of Appeal Referrals 3/9/78

Hearing: 3/14/78

Z-4094-4095
Adeline DaSilva
Wells C. and Anna M. Carey
7 Cook Street Court and 24 Cook Street,
Charlestown

2½- and 1½-story frame structures

District(s): apartment H-1 general business _____ industrial _____
 residential _____ local business _____ waterfront _____
 single family _____ manufacturing _____

Purpose: to legalize one-family dwelling, subdivide lot; to legalize two-family dwelling, combine lots.

Violation(s):

<u>Section</u>	<u>Required</u>	<u>Proposed</u>
8-7. Any dwelling converted for more families which does not meet the requirement of lot area is forbidden in an H-1 district.		
14-1. Lot area is insufficient.	6,000 sf	2,933 sf
14-3. Lot width is insufficient.	50 ft.	40 ft.
14-4. Street frontage is insufficient.	50 ft.	40 ft.

Proposal would allow purchase of small lot for accessory parking. Neighbors indicate support. Recommend approval.

VOTED: In reference to Petitions Nos. Z-4094-4095, brought by Adeline DaSilva and Wells C. and Anna M. Carey, 7 Cook Street Court and 24 Cook Street, in the Charlestown Urban Renewal Area, for a forbidden use and four variances to legalize one-family dwelling, subdivide lot, and legalize two-family dwelling, combine lots, in an apartment (H-1) district, the Boston Redevelopment Authority recommend approval. Lot would be cleaned and maintained for accessory parking.

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Board of Appeal Referrals 3/9/78

Hearing: 3/14/78

Z-4096
William J. Leonard
350 Arborway, Jamaica Plain
near St. Rose Street

2½-story frame structure

District(s): apartment _____ general business _____ industrial _____
residential _____ local business _____ waterfront _____
single family S-.5 manufacturing _____

Purpose: to change occupancy from one-family dwelling to two-family dwelling.

Violation(s):

<u>Section</u>	<u>Required</u>	<u>Proposed</u>
8-7. Any dwelling converted for more families is forbidden in an S-.5 district.		
14-2. Lot area is insufficient.	10,000 sf	6,635 sf

Proposal is compatible with the residential one- and two-family mix of the neighborhood. Abutters expressed no opposition. Recommend approval.

VOTED: In reference to Petition No. Z-4096, brought by William J. Leonard, 350 Arborway, Jamaica Plain, for a forbidden use and a variance for a change of occupancy from a one-family to a two-family dwelling in a single-family (S-.5) district, the Boston Redevelopment Authority recommends approval. Proposal is compatible with the residential mix of the neighborhood.

[illegible]

Board of Appeal Referrals 3/9/78

Hearing: 3/28/78

Z-4097

Rose and Melvin Prescott
521 Cambridge Street, Allston
near Union Square

One-story masonry structure

District(s): apartment _____ general business _____ industrial _____
residential R-.8 _____ local business L-1 _____ waterfront _____
single family _____ manufacturing _____

Purpose: to change occupancy from sale of auto seat covers and outdoor
sale of used cars to repair shop garage and outdoor sale of
used cars.

Violation(s):

Section

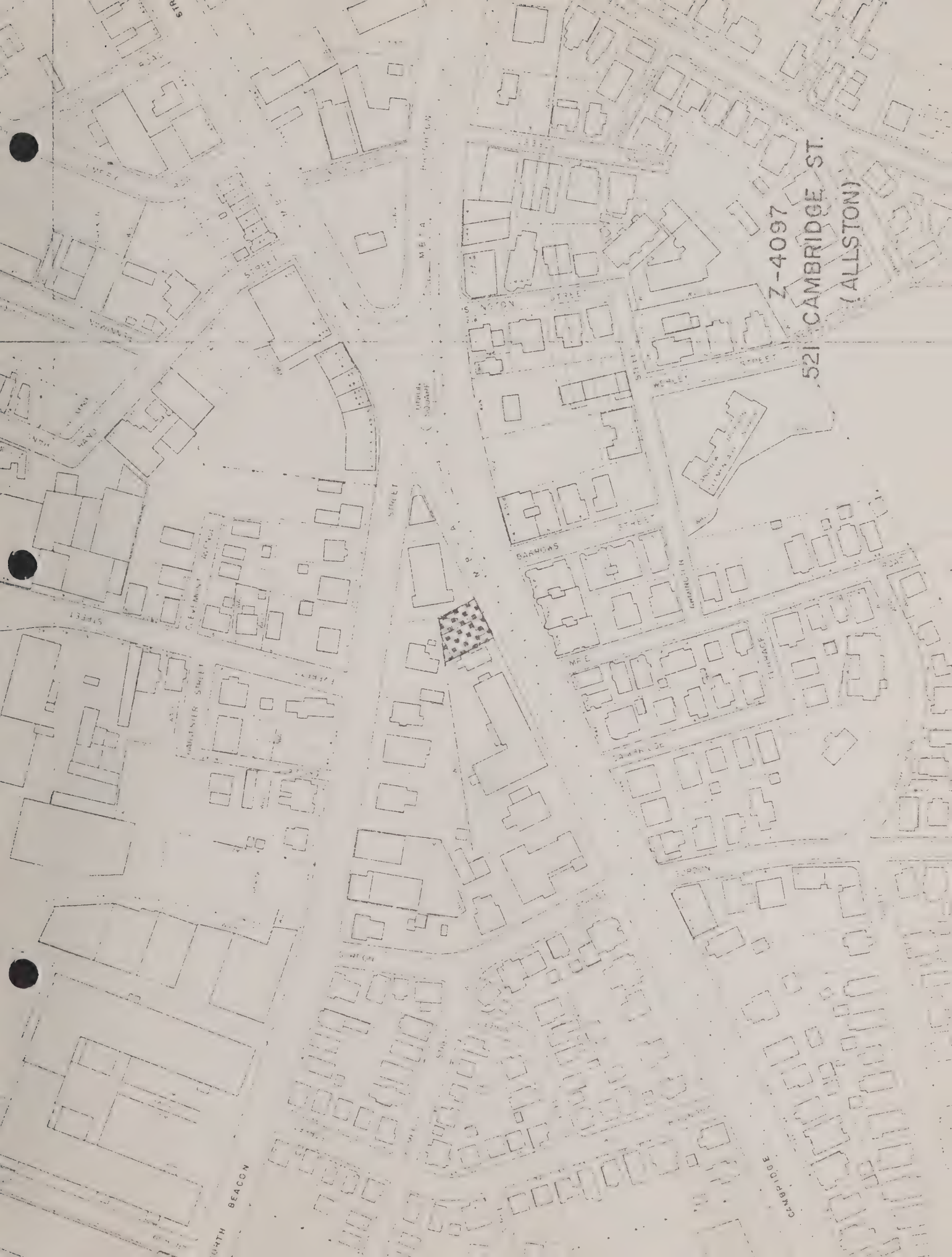
Required

Proposed

- 8-7. A repair garage incident to auto sales is
forbidden in R-.8 and L-1 districts.

Community is strongly opposed to proliferation of used car and repair
garage facilities. Site does not provide sufficient maneuvering area for
storage vehicles, lacks customer parking, and is located within 500 feet
of community school. Recommend denial.

VOTED: In reference to Petition No. Z-4097, brought by
Rose and Melvin Prescott, 521 Cambridge Street,
Allston, for a forbidden use for a change of
occupancy from sale of auto seat covers and out-
door sale of used cars to repair shop garage and
outdoor sale of used cars in residential (R-.8)
and local business (L-1) districts, the Boston
Redevelopment Authority recommends denial. Area
is already saturated with used car and repair
garage facilities. Site is inappropriate, does
not provide sufficient maneuvering area for
storage vehicles, lacks customer parking, and is
located within 500 feet of community school
There is substantial opposition.



Board of Appeal Referrals 3/9/78

Hearing: 3/14/78

Z-4099

Isenberg Brothers, Inc.
107-109 South Street, Boston
near Tufts Street

Six-story structure

District(s): apartment _____ general business _____ industrial _____
residential _____ local business _____ waterfront _____
single family _____ manufacturing M-8

Purpose: to change occupancy from retail sales, manufacturing, and storage
to retail sales, manufacturing, storage, and adult education
center.

Violation(s):

Section

Required

Proposed

- 8-7. An adult education program is conditional in
an M-8 district.

Adult education center (Boston Community School) will offer courses
and workshops relating to issues and concerns of neighborhood groups
and social service agencies. Use does not conflict with existing
commercial nature of the area. Recommend approval.

VOTED: In reference to Petition No. Z-4099, brought
by Isenberg Brothers, Inc., 107-109 South
Street, Boston, for a conditional use for a
change of occupancy from retail sales, manu-
facturing, and storage to retail sales, manu-
facturing, storage, and adult education center
in a manufacturing (M-8) district, the Boston
Redevelopment Authority recommends approval.
Adult education program does not conflict with
the commercial nature of the area.

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Board of Appeal Referrals 3/9/78

Hearing: 3/28/78

Z-4100-4101
JSL Realty Trust
Chester J. Luby, Trustee
80-90 Van Ness Street, Boston
at Kilbarnock Street

One-story masonry structure

District(s): apartment _____ general business _____ industrial _____
residential _____ local business _____ waterfront _____
single family _____ manufacturing M-2 _____

Purpose: to change occupancy from parking, no fee, to public parking for fee;
to change occupancy from accessory repair garage to public parking
garage.

Violation(s):

Section

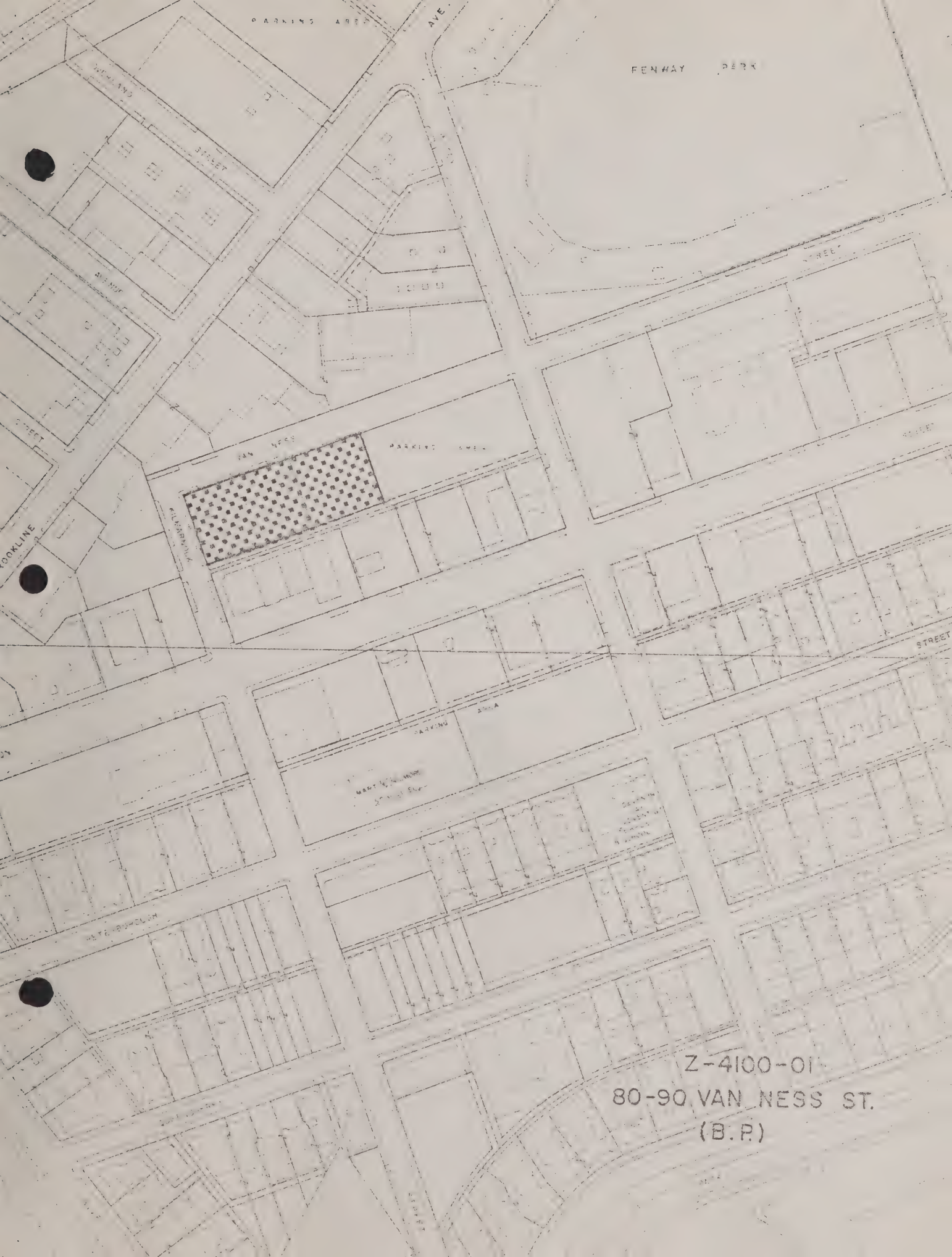
Required

Proposed

- 8-7. Public parking lot for fee and parking garage
are conditional in an M-2 district.

Property formerly used by Luby Chevrolet for repairing, servicing, and
parking of vehicles. Proposed uses will tend to alleviate parking
congestion on Boylston Street and Brookline Avenue and at nearby Fenway
Park when in use. Recommend approval.

VOTED: In reference to Petitions Nos. Z-4100-4101, brought
by JSL Realty Trust, 80-90 Van Ness Street, Boston,
for two conditional uses for change of occupancy
from parking, no fee, to public parking for fee and
from accessory repair garage to public parking
garage in a manufacturing (M-2) district, the
Boston Redevelopment Authority recommends approval.
Facilities will tend to alleviate parking congestion
on Boylston Street and Brookline Avenue and at
nearby Fenway Park when in use.



Z-4100-01
80-90 VAN NESS ST.
(B.P.)

Board of Appeal Referrals 3/9/78

Hearing: 3/7/78

Z-4102
O & W Realty Trust
Paul Welch, Trustee
70-90 Leo Birmingham Parkway, Brighton
near Lincoln Street

One-story masonry structure (vacant)

District(s):	apartment_____	general business_____	industrial_____
	residential_____	local business <u>L-1</u>	waterfront_____
	single family_____		manufacturing_____

Purpose: to change occupancy from service station to garage and outdoor display of used cars.

Violation(s):

Section

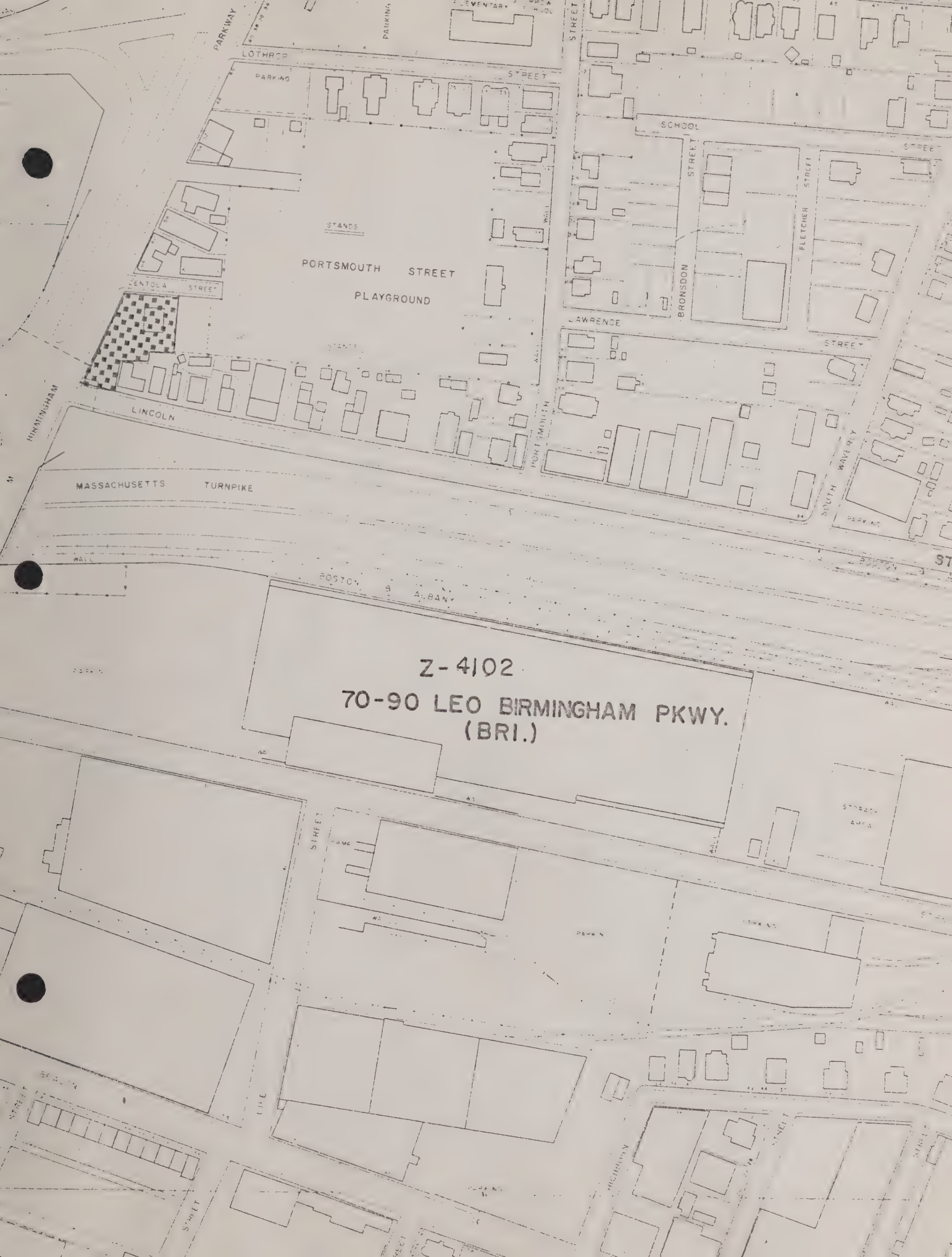
Required

Proposed

8-7. Outdoor sale or display for sale of new or used motor vehicles is forbidden in an L-1 district.

Site is inappropriate. Proposed facility would have limited maneuvering area and customer parking. There is an overabundance of this nonconformity in the Brighton area. Neighborhood groups are opposed. Recommend denial.

VOTED: In reference to Petition No. Z-4102, brought by O & W Realty Trust, 70-90 Leo Birmingham Parkway, Brighton, for a forbidden use for a change of occupancy from service station to garage and outdoor display of used cars in a local business (L-1) district, the Boston Redevelopment Authority recommends denial. Site is inappropriate. Proposed facility would have limited maneuvering area and customer parking. There is an overabundance of this nonconforming use in the Brighton area. Neighborhood groups are opposed.



Z-4102
70-90 LEO BIRMINGHAM PKWY.
(BRI.)

Board of Appeal Referrals 3/9/78

Hearing: 3/7/78

Z-4104
Louis Ranelli
74-80 Canal Street, Boston
near Haymarket Square

Four-story structure

District(s):	apartment_____	general business_____	industrial_____
	residential_____	local business_____	waterfront_____
	single family_____		manufacturing M-4_____

Purpose: to change occupancy from offices, sales, and storage of furniture to offices, beauty shop, and school.

Violation(s):

Section

Required

Proposed

8-7. A trade, professional or other school is conditional in an M-4 district.

Use, which will occupy a building vacant for many months, is consistent with existing commercial facilities. Recommend approval.

VOTED: In reference to Petition No. Z-4104, brought by Louis Ranelli, 74-80 Canal Street, Boston, for a conditional use for a change of occupancy from offices, sales, and storage of furniture to offices, beauty shop, and school in a manufacturing (M-4) district, the Boston Redevelopment Authority recommends approval. Use, which will occupy a building vacant for many months, is consistent with existing commercial facilities.

Z-4104
74-80 CANAL ST.
(B.R.)

Board of Appeal Referrals 3/9/78

Hearing: 3/7/78

Z-4105
Druker Properties
417-435 Washington Street and
1-15 Winter Street, Boston

Ten-story structure

District(s): apartment_____ general business B-10 industrial_____
residential_____ local business_____ waterfront_____
single family_____ manufacturing_____

Purpose: to change occupancy from stores and two restaurants to stores
and three restaurants.

Violation(s):
Section Required Proposed

8-7. Sale over the counter of on-premises-prepared
food or drink for off-premises consumption or
for on-premises consumption, if, as so sold,
such food or drink is ready for take-out, is
conditional in a B-10 district.

It is proposed to serve take-out yogurt in cones and cups at existing
window on Winter Street. Staff is opposed to the window facility. This
intersection is the most congested in the entire city. Use would be
hazardous, create litter, and deteriorate the quality of the commercial
district. Recommend denial of window facility.

VOTED: In reference to Petition No. Z-4105, brought by
Druker Properties, 417-435 Washington Street
and 1-15 Winter Street, Boston, for a conditional
use for a change of occupancy from stores and two
restaurants to stores and three restaurants in a
general business (B-10) district, the Boston
Redevelopment Authority recommends denial of the
window facility. This intersection is the most
congested in the entire city. Use would be
hazardous, create litter, and deteriorate the
quality of the commercial district.



GRANARY
BURIAL
GROUND
(CEM)

Z-4112
Z-4105
417-435 WASHINGTON
1-15 WINTER ST.
(B.P.)

Board of Appeal Referrals 3/9/78

Hearing: 3/7/78

Z-4112
Ronald Druker, Trustee
417-435 Washington Street
1-15 Winter Street, Boston

Ten-story structure

District(s): apartment _____ general business B-10 industrial _____
residential _____ local business _____ waterfront _____
single family _____ manufacturing _____

Purpose: to erect neon signs behind glass of window; to erect fabric banner;
to use flags to bear advertising; to erect fabric sign.

Violation(s):

Section

Required

Proposed

- 11-2. Illuminated signs are not allowed on inside of glass of window.
- 11-2. Signs attached at right angles to a building may not exceed 24 square feet in area and may project no more than six feet from building, and top of such sign may be no higher than sills of the second level of windows above first floor.
- 11-2. Total area of signs proposed exceeds maximum allowed.

Signs are consistent with comprehensive signage plan approved by staff.
Recommend approval.

VOTED: In reference to Petition No. Z-4112, brought by Ronald Druker, Trustee, 417-435 Washington Street and 1-15 Winter Street, Boston, for a conditional use to erect neon signs behind glass of window, fabric banner and fabric sign and to use flags to bear advertising in a general business (B-10) district, the Boston Redevelopment Authority recommends approval. Signs are consistent with comprehensive signage plan approved by Authority staff.

Board of Appeal Referrals 3/9/78

Hearing: 3/14/78

Z-4115
Boston Redevelopment Authority
269-293 Commercial Street and
1-67 Eastern Avenue, Boston

Parking lot

District(s): apartment _____ general business _____ industrial _____
residential _____ local business _____ waterfront _____
single family _____ manufacturing M-2 _____

Purpose: to use premises for public parking of 230 vehicles.

Violation(s):

Section

Required

Proposed

- 8-7. Parking lot is conditional in an M-2 district
and is within restricted parking district.

In May 1977, the Board of Appeal granted approval for 198 spaces. This proposal would increase the capacity by 32 spaces to total 230, for which a parking freeze permit has been issued. Use is temporary, until a residential-commercial development proposed by the Urban Renewal Plan has commenced. Approximately one-half of the facility will be made available to area residents on monthly basis. Recommend approval.

VOTED: In reference to Petition No. Z-4115, brought by the Boston Redevelopment Authority, 269-293 Commercial Street and 1-67 Eastern Avenue, in the Waterfront Urban Renewal Area, for a conditional use to use premises for the public parking of 230 vehicles in a manufacturing (M-2) district and within a restricted parking district, the Boston Redevelopment Authority recommends approval. Parking freeze permit for 230 spaces has been issued by the Air Pollution Control Commission. Use is temporary, until a residential-commercial development proposed in the Urban Renewal Plan has commenced. Approximately one-half of the facility will be made available to area residents on monthly basis.

Z-4115

269-293 COMMERCIAL ST.
NORTH ST. - 67 EASTERN AVE.

(B.P.)



Board of Appeal Referrals 3/9/78

Hearing: 3/28/78

Z-4118
Alice G. Kelley
560 East Broadway, South Boston
near H Street

Three-story masonry row structure

District(s): apartment H-1-50 general business _____ industrial _____
residential _____ local business _____ waterfront _____
single family _____ manufacturing _____

Purpose: to change occupancy from one-family dwelling to two-family dwelling; to erect one-story addition.

Violation(s):

Section

Required

Proposed

8-7.	Any dwelling converted for more families which does not meet the requirement of lot area is forbidden in an H-1-50 district.		
14-2.	Lot area is insufficient.	3,500 sf	1,248 sf
15-1.	Floor area ratio is excessive.	1	2
17-1.	Open space is insufficient.	400 sf	289 sf

Proposed addition to be constructed over existing third story would be visible from the street and would significantly damage the overall architectural character of this row block. There is no objection to conversion which would be consistent with surrounding neighborhood. However, community groups are opposed to addition. Recommend approval of conversion and denial of addition.

VOTED: In reference to Petition No. Z-4118, brought by Alice G. Kelley, 560 East Broadway, South Boston, for a forbidden use and three variances for a change of occupancy from a one-family dwelling to a two-family dwelling and to erect a one-story addition in an apartment (H-1-50) district, the Boston Redevelopment Authority recommends approval of conversion and denial of addition. Conversion would be consistent with surrounding neighborhood. Proposed addition would be visible from the street and would significantly damage the overall architectural character of the row block. Community groups are opposed to this addition.

MEMORANDUM

MARCH 23, 1978

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT F. WALSH, DIRECTOR

SUBJECT: AUTHORIZATION TO EXECUTE A DEVELOPMENT AGREEMENT AND
FINAL DESIGNATION OF REDEVELOPER, IMMOBILIARE NEW ENGLAND,
FOR PARCELS 1B, 1B¹, 2A, 2B, 2B¹, AND 2C
IN THE BOSTON NAVAL SHIPYARD AT CHARLESTOWN

On February 3, 1977, the Authority tentatively designated Immobiliare Canada Ltd. as the Redeveloper of a substantial portion of the Boston Naval Shipyard at Charlestown. Since that time, detailed negotiations have continued with the Redeveloper to arrive at a viable proposal regarding the revitalization of the project area.

The Redeveloper has agreed to advance to the Authority One Million Seven Hundred and Forty Thousand (\$1,740,000.00) Dollars to fund the acquisition of the so-called "Buy Parcel" from the General Services Administration. This advance will be secured by a mortgage of the Buy Parcel and will be repaid by land disposition proceeds. To the extent that the Redeveloper acquires the residential portion of the project, the land disposition proceeds will reduce the outstanding debt and there will be no interest payment on the amount so reduced.

The acquisition price for the entire Buy Parcel is One Million Seven Hundred and Forty Thousand (\$1,740,000.00) Dollars. The proposed disposition prices for the residential portion of the parcel (which prices reflect the reuse plan and the substantial and unusual development costs resulting from building conditions, public amenity requirements, sea wall and pier repairs, demolition and site clearance) is a minimum of One Million Two Hundred Thousand (\$1,200,000.00) Dollars which may escalate to One Million Five Hundred Thousand (\$1,500,000.00) Dollars if certain development alternatives on the piers are achieved. The total disposition proceeds are reasonably anticipated to be greater than Three Million Five Hundred Thousand (\$3,500,000.00) Dollars, reflecting an anticipated gain of One Million Eight Hundred Thousand (\$1,800,000.00) Dollars.

It is now appropriate to execute a Land Disposition Agreement with the Redeveloper and to give a Final Designation with respect to the rehabilitation of Building 42 and Piers 5 and 6 for the construction of 368 apartments, a garage for 362 vehicles and a temporary marina and recreation facility. The plans for this phase of development have been approved by the Design Staff. The ultimate development of the residential portion of the Yard will produce approximately 1,200 dwelling units, 10% of which will be for the elderly, together with approximately 23,000 square feet of commercial space and garages for approximately 1,200 vehicles.

The navy yard is a complex and exciting project which is capable of early achievement because of the cooperation which the Authority has continually received from the Redeveloper and several and varied agencies of the federal, state and local governments. The authorization to proceed with the Redeveloper is expected to expedite the realization of the several goals of the Authority in the navy yard.

It is anticipated that construction will commence within 30 days after acquisition, which acquisition is expected to occur within 60 days of the date hereof. This period of time is necessary to effectuate the transfer of the historic monument and development parcels from the General Services Administration to the Authority, to execute an easement agreement with the National Park Service and to enact special curative legislation with respect to certain technical questions regarding title. The first phase will be completed within 18 months and the second phase will be commenced within 14 months.

An appropriate Vote and Resolution follows:

VOTED: That the Director be and is hereby authorized to execute an agreement by and between the Authority and Immobiliare New England, a Massachusetts joint venture of Immobiliare Boston, Inc., a wholly owned subsidiary of Immobiliare Canada Ltd., and Canopus, Inc., a Delaware Corporation, for the disposition of Parcels 1A, 1B, 1B¹, 1C, 2A, 2B, 2B¹, 2C, 3A, 3B, 3B¹, 3C, 3C¹, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 4A, 4B, 4C, 4D, 4E, 5 and 6, which agreement is to be in substantially the form annexed hereto, and, further, that the Director be and is hereby authorized to execute any and all ancillary or subsidiary documents as are necessary and appropriate to implement the terms of said agreement.

